



Docket No.: 242649US2



COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

ATTORNEYS AT LAW

RE: Application Serial No.: 10/660,691

Applicants: Yoshiharu KANDA, et al.

Filing Date: September 12, 2003

For: OPTICAL FIBER AXIAL ALIGNMENT METHOD
AND RELATED DEVICE, AND OPTICAL FIBER
FUSION SPLICING METHOD AND RELATED
DEVICE

Group Art Unit: 2883

Examiner: Mooney, Michael P.

SIR:

Attached hereto for filing are the following papers:

Response to Restriction Requirement

Our check in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

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DOCKET NO: 242649USX

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF

YOSHIHARU KANDA, ET AL.

: EXAMINER: MOONEY, MICHAEL P.

SERIAL NO: 10/660,691

: :

FILED: SEPTEMBER 12, 2003

: GROUP ART UNIT: 2883

FOR: OPTICAL FIBER AXIAL
ALIGNMENT METHOD AND RELATED
DEVICE, AND OPTICAL FIBER FUSION
SPLICING METHOD AND RELATED
DEVICE

RESPONSE TO RESTRICTION REQUIREMENT

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the Restriction Requirement dated June 30, 2005, Applicant provisionally elects with traverse Group 1, Claims 1-14, directed to a method of axially aligning at least one pair of opposing optical fibers and an optical fiber axial alignment device. Applicants make this election based on the understanding that Applicants are not prejudiced against filing one or more divisional applications that cover the non-elected claims.

Applicants respectfully traverse the Restriction Requirement on the grounds that the outstanding Restriction Requirement has not established that an undue burden would be required if the Restriction Requirement was not issued and if all the claims were examined together. More particularly, MPEP §803 states:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.

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Reply to Office Action of June 30, 2005

In the present application no undue burden has been established if each of the claims were examined together. In contrast, the present restriction requirement subjects Applicants to the added financial burden of prosecuting Claims 1-14 and Claims 15-24 in separate proceedings.

Accordingly, it is respectfully requested that the requirement to elect a single group be withdrawn, and that a full examination on the merits of Claims 1-24 be conducted.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
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